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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Case No. '08 MJ 0578
v.	)	COMPLAINT FOR VIOLATION OF:
Jose SANCHEZ-Rodriguez	)	Title 8, U.S.C., Section 1326; Deported Alien Found in the United States
Defendant.	)	

The undersigned complainant, being duly sworn, states:

On or about, **February 25, 2008**, within the Southern District of California, defendant, **Jose SANCHEZ-Rodriguez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Gonzalo Estudillo, Immigration & Customs Enforcement, Immigration Enforcement Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **27th** DAY OF **February 2008.**

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
NAME: SANCHEZ-Rodriguez, Jose

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PROBABLE CAUSE STATEMENT

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On Monday, February 25, 2008, the defendant identified as Jose SANCHEZ-Rodriguez, Jose was arrested by the San Diego Police Department in San Diego, California and booked into county jail. Subsequently, an Immigration Enforcement Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Mexico and placed an immigration detainer pending his release. On Tuesday, February 26, 2008 at approximately 3:30 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Immigration Enforcement Agent reviewed various sources of information and conducted official record checks in regards to the defendant revealing him to be a citizen of Mexico having been previously removed from the United States on at least two occasions.

A thorough review of official immigration computer database record checks revealed that the defendant has been ordered removed from the United States by an Immigration Judge on or about August 02, 2000 and removed to Mexico via the San Ysidro Port of Entry. Record checks further revealed that the defendant has been issued a re-instatement of removal on or about September 03, 2003 and removed to Mexico via the Otay Mesa Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Jose SANCHEZ-Rodriguez, a citizen and national of Mexico.

The defendant was admonished as to his rights per "MIRANDA" in the English language at approximately 8:53 a.m. by Deportation Officer Gregory M. Harrison as witnessed by Immigration Enforcement Agent Gonzalo Estudillo. The defendant acknowledged his rights per "MIRNADA" and elected to answer questions without counsel present.

The defendant stated that he is a citizen of Mexico by virtue of birth, was deported or removed from the United States to Mexico on two occasions and had not obtained a waiver in order to re-enter the United States. The defendant acknowledged that he unlawfully entered the United States on approximately November of 2003 through the San Ysidro Port of Entry by presenting a certificate of live of birth belonging to his brother-in-law. The defendant acknowledged that he has no legal right to enter or reside in the United States.